



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
Tuesday
Thursday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
SEPTEMBER 9, 2004
(Approved as written 10/28/04)**

PRESENT: Paul Morin, Chairman; Leon Methot, Exofficio; Ed Piscopo; Frank Bolton, Alternate; Carl Knapp, Alternate; Naomi Bolton, Land Use Coordinator.

GUESTS: Harry Murray, LLS; John Dwinnells; Ginger Esenwine; Forrest Esenwine; Al Lanctot; David Quinn; Michael Quinn; Gretchen Nuzzo; Jim Thompson; Steve Gilbert; Gene Propper; Edward Palmer; Rick Kohler; Mike Pelletier; Art Siciliano, LLS

I. CALL TO ORDER:

Chairman Morin called this meeting to order at 6:53 PM at the Weare Town Office Building. Chairman Morin appointed Carl Knapp and Frank Bolton to sit as voting members for tonight's meeting.

II. REVIEW MAIL & MINUTES:

NEW BOARD MEMBER: Mike Palmisano was appointed to the board on Monday evening. Mr. Palmisano was not present at this time but was expected to arrive later in the evening.

CALENDAR FOR REMAINDER OF THE YEAR: Chairman Morin distributed the a calendar which outlines our meeting schedule from now to December 2004, more particularly the work session schedule, with respect to the master plan, CIP and zoning amendments.

PROCEDURES FOR HEARINGS: Chairman Morin wanted to briefly discuss the board's procedures. First the board should focus on the application itself having the applicants making the presentation to the board. Then open it up to public input and then closing discussion so the board can then get into the meat and hair of the discussion. The board should really focus on the completeness of the application the first time around.

MYSTIC BROOK (HOLLY HILL ROAD): There has been a request for a couple of occupancy permits to be issued. The board wants for Jim Donison,

Northeast Engineer; Bob Richards, Fire Chief and Carl Knapp, Public Works Director in agreement before the CO's can be issued.

ENGINEERING ESCROW ACCOUNTS: The board discussed how the engineering escrow accounts are handled and funds dispersed. There seems to be an issue all of a sudden with approving bills for payment out of various escrow accounts with the Planning Board making official motions at their meetings. The board discussed this and the board could have Naomi bring all the different bills to the board for approval, but in turn would be making the engineer or professional waiting for 30-60 days for his money on work or a service that has already been approved. The only way around this would be for the Planning Board to designate someone as the agent to receive and disperse funds for various projects but any final release or closing of an account or bond would come to the board for an official vote of the board. Chairman Morin moved to allow Naomi Bolton, Land Use Coordinator be the Planning Board's agent giving her the authority to receive funds to open engineering escrow accounts as well as to allow her to approve the disbursement of expenses as they come into the office for the various engineering projects on behalf of the Planning Board, with the stipulation that any closing of escrow accounts or releasing bonds must come before the board for an official vote, Leon Methot seconded the motion. Vote: Unanimous vote in favor.

III. PUBLIC HEARINGS:

MICHAEL HAMILTON (ROBERT PALMER)-CONCEPTUAL HEARING, BARNARD HILL ROAD: Robert Palmer was present and stated that he is withdrawing this conceptual for tonight.

JIM & SUSAN DOW (ROBERT PALMER)-CONCEPTUAL HEARING, COLBY ROAD: Chairman Morin opened this hearing at 7:10 PM. Bob Palmer was present for this discussion. Mr. Palmer stated that this proposal is to take an existing 35 acre parcel and split it into 2 lots, both using the existing driveway as access. The board informed Mr. Palmer that a variance would be required to be able to access off of a share driveway. Chairman Morin closed this hearing at 7:09 PM

MICHAEL MELCHER (ROBERT PALMER)-CONCEPTUAL HEARING, BUCKLEY ROAD: Robert Palmer was present for this one and stated that he would again be withdrawing this conceptual for tonight.

ROCKY FARM REALTY TRUST, JOHN & NANCY BOISVERT, TRUSTEES-SUBDIVISION (CONTINUED HEARING), RIVER ROAD, TAX MAP 406-049 & 406-050: Chairman Morin opened this hearing at 7:11 PM. Rick Kohler from Bob Todd's office was present and make a brief reviewed of the plan for the board. There were no abutters or public at large present. This was in front of the board last month and had a couple of minor outstanding items. The outstanding items have been addressed. The application was accepted as

complete at the August meeting. Being there were no further comments or questions, Chairman Morin moved to approve the plan, Ed Piscopo seconded the motion, unanimous vote in favor. Chairman Morin closed this hearing at 7:25 PM.

JOHN D. & LINDA DWINNELLS-SUBDIVISION (CONTINUED HEARING), WALKER HILL ROAD, TAX MAP 402-108: Chairman Morin opened this hearing at 7:26 PM. Harry Murray and John Dwinnells were present. This plan was in front of the board in August. Mr. Murray briefly explained the purpose of the plan and pointed out to the board the outstanding items that he was missing last meeting. Chairman Morin moved to accept this application as complete, Carl Knapp seconded the motion, all in favor. No abutters or interested parties were present. Chairman Morin moved to approve the plan subject to the wetlands stamp being added to the mylar, Leon Methot seconded the motion, unanimous vote in favor. Chairman Morin closed this hearing at 7:40 PM.

WILLIAM WILUSZ-SUBDIVISION (CONTINUED HEARING), DUSTIN TAVERN ROAD, TAX MAP 411-224: Chairman Morin opened this hearing at 7:41 PM. Harry Murray & Bill Wilusz were present. Mr. Murray explained the changes that he had made to the plans as an outcome of the August meeting. Chairman Morin moved to accept waiver for monument setting, Leon Methot seconded the motion, all in favor. Chairman Morin moved to accept application as complete, Leon Methot seconded the motion, all in favor. No abutters or members of the public were present. Chairman Morin moved to approve the plan subject to the determination that there is no need for a cistern to in fact find out there is no issue, Ed Piscopo seconded the motion, unanimous vote in favor. Chairman Morin closed this hearing at 7:55 PM.

153 CONCORD STAGE ROAD, LLC-SITE PLAN REVIEW (CONTINUED HEARING), COLLINS LANDING ROAD, TAX MAP 401-004: Chairman Morin opened this hearing at 7:56 PM. Mike Pelletier was present and explained the changes that were different on this plan from last months plan. Mr. Pelletier stated that he took off a couple of the proposed individual septic systems that were on the lake side and his plan is to pump the septic up to the larger originally approved system. In August the board asked Mr. Pelletier could produce a plan on a larger scale that would be shown the detail like the second page of this plan. These new plans the board is looking at tonight don't reflect the larger scale so the discussion for this evening was going to be around the enlarged area. Therefore the discussion tonight is on the 5 unit building under construction and the other 4 buildings Mr. Pelletier would like to build. The proposal would be for each building to have its own septic system. Chairman Morin wanted to know the specific type of septic system that is being proposed to be put in. Mr. Pelletier showed the board the approved septic from the State of NH. Mr. Pelletier stated that he was under a cease and desist order. The building inspector has since lifted the cease and desist because the building that is being constructed is actually very, very close to the original position. The underlying presumption is that the septic

systems would be pumped up to the original system. The board felt that there wasn't a problem until the change of the septic (new leaching area) and that is the point where it stops and no CO's are issued until the board makes a ruling on this plan. Leon Methot stated that he was concerned about needing a soils scientist on this detailed unit area. Chairman Morin stated that he spoke with both the Elliot brothers about the type of septic systems on the lots, which was a concern of theirs. Chairman Morin asked Mr. Pelletier to adhere as close as possible to the original proposal, particularly when we are talking about Lake Horace and not just a couple of abutters. Chairman Morin also pointed out that the board tonight is going to focus on the one building currently under construction and the one proposed septic design and perhaps getting a third persons opinion about the future building location and proposed septic. Chairman Morin took a poll of the board for the 5 unit building and the septic design change. Chairman Morin moved to approve the amndend leach field location for 42-46 as they are shown on the new plan and that approval be restricted to that one building and the one leach area and that be subject to a new plan be drawn to show only that one change, Ed Piscopo seconded the motion.

Steve Gilbert stated that a possible compromise might be to pump all the septic in the proposed area and leave the vesting status alone. Mr. Pelletier for the record stated that he would do what the board would like him to do, but if any of the changes to the septic systems jeopardize his vesting, then he would use the originally approved plan.

A motion was taken on the motion: 4 in favor (Piscopo, Morin, Methot, Knapp) and 1 opposed (Bolton), therefore the motion passes.

The board stated that the vesting status is up to the building department. A lot of feedback has been given but the board would be looking at a third parties opinion to see if what is proposed will be equal or better. Chairman Morin closed this hearing at 9:10 PM.

Carl Knapp excused himself for the board at this time. The board then took a 5 minute recess.

WEARE DONUTS, INC DBA DUNKIN DONUTS (OWNER: GRANITE BANK)-SITE PLAN REVIEW, 427 SOUTH STARK HIGHWAY, TAX MAP 109-007.003: Chairman Morin opened this hearing at 9:15 PM. Dave Quinn and Mike Quinn, applicants were present to discuss their proposal of opening Dunkin' Donuts in the old Granite Bank building on South Stark Highway in the Lanctot's Plaza. Mr. Quinn explained that they are proposing changes to the interior of the building and the only outside changes would be to move the existing two (2) signs from their current location to new locations. One possibly to the roof. They would use the existing drive through, with obviously a few minor changes in the take out window. The Quinn's had a traffic study done by a traffic engineer who

was present tonight to give his presentation of findings and to answer any questions that the board might have.

Chairman Morin stated that before we heard from the traffic engineer he would like to here from any abutters for or against this proposal as well as anyone from the public that would like to voice their opinion.

Joseph Lancot, abutter stated that he was more concerned with what affect this will have on his own home. Mr. Lancot also asked about the possibility of a buffer so that the lights from people cars that are going through the drive thru don't keep shining into his house.

Ed Palmer, resident has concerns with septic loading particularly because of its use from a bank versus food. He wanted to know the hours of operation. He also wanted to know what else they might be putting in the building, another food shop?. He asked if there would be some study done on the traffic on Route 114, with regard to the value of the homes near the proposed use.

Mr. Clark, from REI, who represent the owners of buildings, which is a condominium unit, and would like to point out to this board that the Association needs to approve the proposed use. Even though Mr. Clark didn't have an opinion one way or another they still must approve it as well. The original site was approved as a commercial shopping center. The center is served by a community septic system, there are specific reserves (amounts) for each building, this particular building has 200 gallons per day allocated to it. There is some surplus allocated in the overall system, which is what the condominium association will have to consider. They realize there has been some tenant changes in the building which all has an affect on the septic system.. For instance, there used to be a sit down pizza place in the end building and now it is an office and there used to be a hair dresser in the other end and now it has Curves. Probably a bigger concern of the association would be that there will be a larger use of water than the bank use. All these items will be discussed between the Quinn's and the association.

Jim Thompson, Chairman Weare Economic Development committee stated that he was concerned with the newspaper article about the possibility of requiring impact studies, which will have an effect on other businesses looking to relocate in Weare. The Economic Development committee is obviously looking to get more commercial in this Town and he personally felt this would be a good thing for the Town of Weare.

Steve Pernaw from Pernaw Engineering was present and explained the traffic study that was done by his office. This proposal would impact the current traffic on Route 114 by about 2%, which is not very much according to Mr. Pernaw. Traffic counts were done for one week during June 28th to July 2nd, during both peak morning and evening hours.

Frank Bolton asked if any type of traffic study was done at the Gould Road intersection keeping in mind this proposal. Mr. Pernaw stated that he felt it would be hard to figure out the difference in traffic that might go from the intersection north just for Dunkin Donuts that don't already go currently up the street. Mr. Quinn responded that it would seem that people that come out onto Gould Road either go north to the current coffee shop or south to Goffstown to get coffee now.

Mr. Quinn stated that after the last meeting he did his own physical traffic study up the street at the "Pick Me Up Coffee". There were 524 cars on Route 114 on this particular Wednesday morning and only 40 cars turned into the existing coffee place, roughly about 8% of the traffic on Route 114 for this morning. They are looking at capturing the other 92% of the traffic that goes by.

Chairman Morin stated that the following items are outstanding:

- copy of condo documents
- see detail of handicap requirements if not compliant
- board of fire wards comments
- signature of engineer who did up the plans

Chairman Morin moved to continue this hearing to October 21, 2004, Leon Methot seconded the motion, unanimous vote in favor. Chairman Morin closed this hearing at 10:45 PM.

Frank Bolton removed himself from the Board for the next hearing.

MT. WILLIAM-VOLUNTARY MERGER, RIVER ROAD, TAX MAP 409-004 & 406-067: Chairman Morin opened this hearing at 10:47 PM. This request is to merge two pieces of property currently owned by Mt. William, Inc. together into one. There was a question about the current gravel operation raised by Chairman Morin as to being able to mine this property and Mr. Methot responded that an expansion of any gravel operation must come to the Board of Selectmen. Being there were no further comments or question, Chairman Morin moved to approve the voluntary merger as requested, Leon Methot seconded the motion, all in favor (Piscopo, Morin, Methot). Chairman Morin closed the hearing at 10:50 PM.

Frank Bolton returned to his seat on the board and stated that he would like to comment on the process that just was voted on. Mr. Bolton felt that the board should be required to notify the abutters on these voluntary mergers. Leon Methot responded that according to the RSA there needs to be no public hearing or abutter notification for a voluntary merger to take place.

IV. OTHER BUSINESS:

RON RIVARD – DRIVEWAY ACCESS TO 1345 RIVER ROAD: Mr. Rivard was present to ask for some assistance. He currently has a driveway that can't meet the 10% maximum grade and he wanted to know what the board will be

looking for to obtain approval. The board asked Mr. Rivard about the approval date of the subdivision. If the subdivision was approved prior to the posting of the 10% driveway change then this particular lot wouldn't be subject to it. Mr. Rivard stated that he thought it was approved in February. Naomi stated that she thought it was approved in May because at the time this plan was before the board there was a large discussion about making the 10% driveway grade. Even if it was approved in February the posting of the driveway change was December 1, 2003 and it would still be applicable. The board informed Mr. Rivard that he will have to bring the board an engineered certified plot plan for review, which would go on the next available agenda for discussion.

ALDEN BEAUCHEMIN – DRIVEWAY ACCESS TO ELM DRIVE. Alden Beauchemin was present. Mr. Beauchemin stated that if he heard correctly from the previous discussion, if the plan was approved prior to the posting of the change then the 10% driveway grade is not applicable. This subdivision was approved in November of 2003. The board deemed that the approval was prior to the 10% driveway grade therefore is not applicable to this lot. Mr. Beauchemin then asked the board about the 30' entrance flare that the Public Works Director is requiring. Mr. Beauchemin stated that the driveways were also approved as part of this plan. The board agreed that the locations of the driveways were on the plan and there is a note indicating that the driveways will be installed per the subdivision regulations. Naomi explained that the 30' flare that is being required has been the same requirement of all driveways for the last 10 years at least and possibly even prior to that. The point being is that when an applicant applies for a driveway permit, the application states that the entrance has to be 30' tapered back to 18'. The applicant signs the permit request knowing what the requirements are and then when the permit is issued it again states 30' tapered back to 18' and now people are having an issue because the Code Enforcement Officer is actually having the Public Works Director look at it and approve it prior to any Certificate of Occupancy being issued. The board felt that the 30' tapering issue rests with the Public Works Director and it is not for this board to have any say in.

V. ADJOURNMENT:

As there was no further business to come before the board, Leon Methot moved to adjourn at 11:30 PM, Chairman Morin seconded the motion, unanimous vote in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator